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In re Application of :  
SCHWARZ, et al. :  
U.S. Application No.: 10/539,827 : DECISION ON PETITION  
PCT No.: PCT/EP03/14633 :  
Int. Filing Date: 19 December 2003 : UNDER 37 CFR 1.28  
Priority Date: 27 December 2002 :  
Attorney Docket No.: BB-149 :  
For: USES OF INTERLEUKIN-18 FOR TREATING :  
SKIN DISORDERS ASSOCIATED WITH :  
RADIATIONS :  
:

This decision is in response to applicant's facsimile correspondence of 29 June 2006 which included a copy of a communication filed 18 July 2005 in the United States Patent and Trademark Office (USPTO) seeking a change from small entity to large entity status. Errors in the establishment of small entity status are rectified pursuant to 37 CFR 1.28(c). No petition fee is required.

In order for the error to be corrected 37 CFR 1.28(c)(ii) requires the itemization of the original deficiency payment:

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Applicant has not included an itemization with the present request; therefore the petition cannot be granted at this time.

Applicant's petition under 37 CFR 1.28 is **DISMISSED** without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.28(c)" and include an itemization of the total deficiency payment as discussed above.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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